

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

HEIVER RUIZ-PATOZANO,

Movant,

-against-

UNITED STATES OF AMERICA,

Respondent.

24-CV-0234 (JGK)

20-CR-0686-2 (JGK)

ORDER

JOHN G. KOELTL, United States District Judge:

On January 8, 2024, the Court received Movant Heiver Ruiz-Patozano's motion under 18 U.S.C. § 3582(c)(2). The Clerk of Court docketed it in Ruiz-Patozano's criminal action, No. 20-CR-0686-2, as both a motion under 28 U.S.C. § 2255 (ECF 225) and a motion under Section 3582 (ECF 226). The motion was also opened as a new civil action and assigned a new civil docket number, No. 24-CV-0234.


The Clerk of Court is directed to: (1) terminate the Section 2255 motion in the criminal case (ECF 225); and (2) close the civil action under 24-CV-0234. The Court will address the merits of Ruiz-Patozano's motion in the criminal action. This order closes the case under 24-CV-0234 without prejudice.

Because Ruiz-Patozano has not at this time made a substantial showing of a denial of a constitutional right, a certificate of appealability will not issue. *See* 28 U.S.C. § 2253.

The Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that any appeal from this order would not be taken in good faith and therefore *in forma pauperis* status is denied for the purpose of an appeal. *See Coppedge v. United States*, 369 U.S. 438, 444-45 (1962).

SO ORDERED.

Dated: January 12, 2024  
New York, New York



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JOHN G. KOELTL  
United States District Judge